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OFFICE OF PETITIONS



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Hiroyuki Nitta et al.

Serial No.: 09/883,210

Filed: June 19, 2001

For: Semiconductor Device Having A
 Wiring Layer Of Damascene
 Structure And Method For
 Manufacturing The Same

Group Art Unit: 2815

Examiner: J. Nguyen

Atty. Dkt. No. 01701.00086

This paper of 3 pages is being faxed to 703 308 7722
 on April 19, 2002.

Christopher R. Glembocki
 Christopher R. Glembocki
 Reg. No. 38,800

AMENDMENT

Assistant Commissioner of Patents
 Washington, D.C. 20231

Sir:

Please amend the application as follows:

In the Claims:

Please amend claim 4 as follows:

4. (Amended) The semiconductor device according to claim 1, further comprising:

a second insulation film formed above the space region, the second insulation film being different from the first insulation film; and

a third insulation film formed on a sidewall of the groove section, the third insulation film



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Petition To Withdraw Examiner's Holding Of Abandonment
(or in the alternative, a Petition to Revive Unintentional)

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Applicants are in receipt of the Examiner's Holding of Abandonment of January 17, 2003.

On April 19, 2002, Applicants responded to the Examiner's letter of March 22, 2002. On the same day, Applicants filed a preliminary amendment that clarified claim 4. Applicants attach the documents including the fax coversheet for the transmission at Tab A.

Applicants' representative telephoned the Group Receptionist on January 30, 2003, and learned that neither filing of April 19, 2002, had been entered.

If the Examiner does **not** withdraw the notice of abandonment, Applicants respectfully request the application be revived by means of the attached Petition to Revive Unintentional (and a fee sheet authorizing debit to our deposit account) attached at Tab B.

Please charge any fee associated with the filing of this paper to our Deposit Account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.
1001 G Street, N.W., 11th Floor
Washington, D.C. 20001
(202) 824-3000

By:

Joseph M. Potenza

Registration No. 28,175

Dated: January 30, 2003

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TECHNOLOGY CENTER

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FEB 04 2003

OFFICE OF PETITIONS

FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1300

Complete if Known

Application Number	09/883,210
Filing Date	June 19, 2001
First Named Inventor	Hiroyuki Nitta et al.
Examiner Name	Joseph Nguyen
Art Unit	2815
Attorney Docket No.	001701.00086

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order

☐ Deposit Account:

Deposit
Account
Number

19-0733

Deposit
Account
Name

Banner & Witcoff, Ltd.

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, **except for the filing fee**
to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 0)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Independent Claims	<input type="text"/>	<input type="text"/>	<input type="text"/>
Multiple Dependent	<input type="text"/>	<input type="text"/>	<input type="text"/>

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	1300
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____


*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 1300)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Christopher R. Glembocki	Registration No. Attorney/Agent)	38,800	Telephone	202 824 3000
Signature				Date	January 30, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form.

Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Hiroyuki Nitta et al.

Serial No.: 09/883,210

Filed: June 19, 2001

For: Semiconductor Device Having A
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Structure And Method For
Manufacturing The Same

Group Art Unit: 2815

Examiner: J. Nguyen

Atty. Dkt. No. 01701.00086

This paper of 1 page is being faxed to 703 308 7722
on April 19, 2002.

Christopher R. Glembocki
Christopher R. Glembocki
Reg. No. 38,800

RESPONSE TO ELECTION REQUIREMENT

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FEB 04 2003

OFFICE OF PETITIONS

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

This paper is responsive to the Restriction Requirement mailed February 7, 2002, and to the Holding of Applicants response as non-responsive of March 22, 2002. This paper is filed within one month of the March 22, 2002, communication.

Applicants hereby elect Species V, relating to Figures 6A-6E, without traverse. Claims 1-4 and 10-15 correspond to Species V.

Applicant reserves the right to file a divisional application directed to the non-elected invention. A preliminary amendment is filed herewith under separate cover. Please charge any fee associated with the filing of this paper to our Deposit Account No. 19-0733.

Respectfully submitted,

By:

Joseph M. Potenza

Joseph M. Potenza
Registration No. 28,175

BANNER & WITCOFF, LTD.
1001 G Street, N.W., 11th Floor
Washington, D.C. 20001
(202) 508-9100
Dated: April 19, 2002

\$758.80



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)

Hiroyuki Nitta et al.)

Serial No.: 09/883,210)

Filed: June 19, 2001)

For: Semiconductor Device Having A)
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Structure And Method For)
Manufacturing The Same)

Group Art Unit: 2815

Examiner: J. Nguyen

Atty. Dkt. No. 01701.00086

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on April 19, 2002.

Christopher R. Glembocki
Christopher R. Glembocki
Reg. No. 38,800

AMENDMENT

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Please amend the application as follows:

In the Claims:

Please amend claim 4 as follows:

4. (Amended) The semiconductor device according to claim 1, further comprising:

a second insulation film formed above the space region, the second insulation film being different from the first insulation film; and

a third insulation film formed on a sidewall of the groove section, the third insulation film being different from the first and second insulation films.

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REMARKS

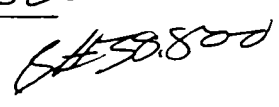
The above amendment is made to clarify claim 4. The Examiner is requested to consider this amendment prior to an action on the merits.

Please charge any fee associated with the filing of this paper to our Deposit Account No. 19-0733.

Respectfully submitted,

By: 

Joseph M. Potenza

Registration No. 28,175 

BANNER & WITCOFF, LTD.
1001 G Street, N.W., 11th Floor
Washington, D.C. 20001
(202) 508-9100
Dated: April 19, 2002

Marked Up Version of Amendment Showing Changes

In the Claims:

Claim 4 has been amended as follows:

4. (Amended) The semiconductor device according to claim 1, further comprising:

a second insulation film formed above the space region, the second insulation film being different from the first insulation film; and

a third insulation film formed on a sidewall of the groove section, the third insulation film being different from the first and second insulation films.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
001701.00086

First named inventor: Hiroyuki Nitta et al

Application No.: 09/883,210

Group Art Unit: 2815

Filed: June 19, 2001

Examiner: Joseph Nguyen

Title: Semiconductor Device Having a Wiring Layer of Damascene Structure and Method for Manufacturing the Same

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity - fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$1300 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Election and Amendment (identify type of reply):

- ☐ has been filed previously on _____ .
☒ is enclosed herewith.

B. The issue fee of \$ _____

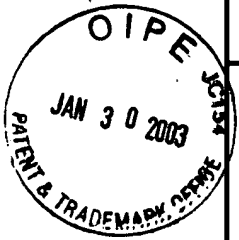
- ☐ has been paid previously on _____ .
☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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3. Terminal disclaimer with disclaimer fee

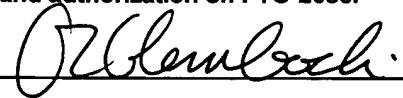
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

January 30, 2003

Date



Signature

Telephone
Number: (202) 824-3000

Christopher R. Glembocki, Reg. No. 38,800

Typed or printed name

Banner & Witcoff, LTD

Address

1001 G Street, NW 11 Fl. Washington DC, 20001

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other : _____

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OFFICE OF PETITIONS

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- ☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

Date

Signature

Typed or printed name of person signing certificate